

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD  
**DIVISION OF WATER RIGHTS**

**ORDER**

APPLICATION 14881 PERMIT 9265 LICENSE 5028

**ORDER ALLOWING CHANGE IN PURPOSE OF USE  
AND PLACE OF USE**

**WHEREAS:**

1. License 5028 was issued to John R. Hooker and Josephine Hooker and was filed with the County Recorder of Sonoma County on March 31, 1958.
2. License 5028 was subsequently assigned to Lake Josephine Association.
3. A petition for change in purpose of use and place of use has been filed with the State Water Resources Control Board and said Board has determined that good cause for such changes have been shown.
4. The Board has determined that the petitioned changes do not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.
5. The license condition pertaining to the Board's continuing authority of the Board does not conform to the current common law public trust doctrine as contained in Title 23, California Code of Regulations, Section 780(a).

**NOW, THEREFORE, IT IS ORDERED THAT:**

1. The purposes of use under this license be amended to read:  
  
Recreation, wildlife enhancement and fire protection
2. The place of use under this license be amended to read:  
  
Recreation, fire protection and wildlife enhancement at reservoir (Lake Josephine) within the S½ of SE¼ of projected Section 28 and the N½ of NE¼ of projected Section 33, T6N, R6W, MDB&M.

3. The continuing authority provisions of this license is replaced with the following term:

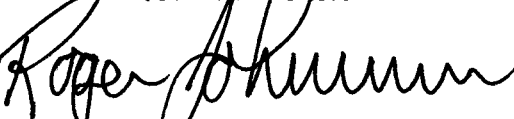
Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this license, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this license with a view to eliminating waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this license and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

(0000012)

Dated: OCTOBER 25 1990



✓61 Walter G. Pettit, Chief  
Division of Water Rights



STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD

License for Diversion and Use of Water

APPLICATION 14881

PERMIT 9265

LICENSE 5628

THIS IS TO CERTIFY, That

John R. Hooker and Josephine Hooker  
15650 Arnold Drive  
Sonoma, California

Notice of Assignment (Over)

have made proof as of September 23, 1957  
(the date of inspection) to the satisfaction of the State Water Rights Board of a right to the use of the water of  
an unnamed creek in Sonoma County

tributary to Sonoma Creek

for the purpose of irrigation use

under Permit 9265 of the State Water Rights Board and that said right to the use of said water has been perfected in accordance with the laws of California, the Rules and Regulations of the State Water Rights Board and the terms of the said permit; that the priority of the right herein confirmed dates from June 27, 1952; and that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to the amount actually beneficially used for said purposes and shall not exceed fifty (50) acre-feet per annum to be collected from about October 1 of each year to about May 30 of the succeeding year with maximum rate of diversion to off-stream storage of four (4) cubic feet per second. Maximum withdrawal in any one year has been forty-three (43) acre-feet.

The point of diversion of such water is located:

South twenty-five degrees fifty-six minutes ten seconds east (S25°56'10"E) one thousand eight hundred one and eighty-nine hundredths (1801.89) feet from NW corner of Hooker property, said corner being common to property of Hooker, Dilke, and Sonoma Water and Irrigation Company as recorded in Book 64 of Maps, Pages 17, 18, 19 and 20, Sonoma County Recorders Office being within SW $\frac{1}{4}$  of NE $\frac{1}{4}$  of projected Section 33, T6N, R6W, MDB&M.

A description of the lands or the place where such water is put to beneficial use is as follows:

18 acres within NE $\frac{1}{4}$  of SW $\frac{1}{4}$  of projected Section 27, T6N, R6W, MDB&M.

All rights and privileges under this license including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the State Water Rights Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time to time by the State Water Rights Board.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

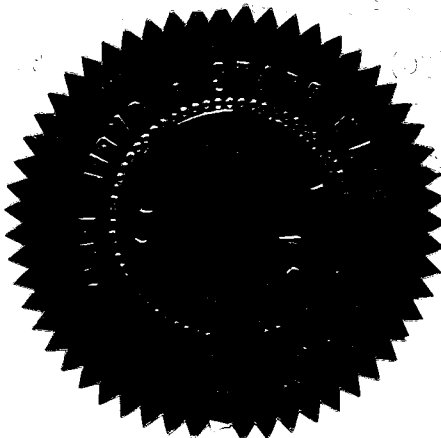
Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Dated: MAR 31 '58

STATE WATER RIGHTS BOARD

*L. K. Hill*  
L. K. Hill

Executive Officer



*12-12-66* NOTICE OF ASSIGNMENT TO *Robert A. Rowan -*  
*gene.*  
*4-23-50 asgd to Lake Josephine Association*

LICENSE **5028**

STATE OF CALIFORNIA  
STATE WATER RIGHTS BOARD

LICENSE  
TO APPROPRIATE WATER

ISSUED TO **John R. Hooker and  
Josephine Hooker**

DATED **MAR 31 1958**

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